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ABSTRACT

The United States Supreme Court's decision in "Chandler v. Florida" allowing cameras in the courtroom has been hailed by some as a victory for the broadcast media and interpreted by others as an open invitation to televise criminal trials. A careful reading of the case, however, leads to another conclusion--that the Court has left the door open to further challenges to states that allow broadcast and photographic coverage of trials. The Chandler decision is narrow and is based on two levels. On the first level, the Court ruled that unless the presence of cameras violated the United States Constitution by abridging the right to a fair trial, it was up to each state to determine if they would be allowed in courtrooms. In this sense, the decision reinforced the precedent that the procedural operations of state courts fall within the jurisdiction of the individual states and not the federal government. On the second level, the Court determined that given the evidence presented, there was insufficient proof that the presence of cameras automatically precluded a fair trial. It did not, however, reveal what it would consider sufficient proof that cameras in the courtroom were prejudicial, nor did it provide guidelines for lower courts to follow to insure that cameras would not prejudice trials. Finally, the decision involved no claims of a First or Sixth Amendment right to access to the courts for the purpose of televising, photographing, or broadcasting trials. (Author/FL)

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Chandler v. Florida:

Unfinished Script for Cameras in the Courtroom

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Immediately following the United States Supreme Court's January 26, 1981 Chandler, et al., v. Florida[1] decision the press carried predictions of a "fundamental change in the way courtroom news is presented"[2] and cheers of an "enormous legal advance for broadcasting."[3] These were balanced in part by more restrained views such as the Washington Post editorial that appeared two days after the ruling calling on "trial courts and television stations to be cautious in their now established freedom to experiment."[4] A period of time will have to pass before it can be determined whether the expectations generated in the cameras in the courtroom cases are met, but it is not too soon to look critically at what the Court actually said and there are already some indications that early jubilance and references to "new freedom" are neither universal nor strictly in keeping with the holding of the Court.

Justice White stated in his concurrence in Chandler:

> I agree that those risks [cameras in the courtroom]

> are real and should not be permitted to develop into the reality of an unfair trial. Nor does the decision today, as I understand it, suggest that any state is less free than it was to avoid this hazard by not permitting a trial to be televised over the objections of the defendant or by forbidding cameras into its court rooms in any criminal case.[5]

It took the Maryland House of Delegates less than two weeks to take Justice White at his word and by a margin of almost three-to-one the delegates voted on February 17 to end the state's experimental program of broadcast coverage of criminal trials and forbid cameras to be present during such cases.[6]

There is no intention here to minimize the importance of the Chandler holding. The case has at least three distinctive features: First, the Court sought to answer the question of whether the Federal Constitution bans cameras from the courtroom and for the first time approached the issue in an atmosphere devoid of defense claims of sensationalism by the press; Second, the challenged Florida rules pertaining to broadcast coverage of criminal trials are some of the most lenient in the nation making the Court's decision a precedent other states can look to for at least limited guidance; and Third, despite the fact that Chandler was in no snese a First Amendment case, the Court's handling

of the issues is suggestive of the way it feels about the general issue of fair trial/free press and of how the Court may react to future demands by broadcasters for access to trials based on a claim of a First Amendment right to news-gathering.

The list of what Chandler does not do, however, is far longer and it is important for broadcasters and communications scholars to be aware of the case's limitations if future forays into broadcasting of criminal trials are to lead to more open courtrooms and avoid situations like the recent Maryland ban. Chandler v. Florida does not:

- Provide a right of access for broadcasters into the courts.
- Close the Supreme Court's doors to a future ruling that could altogether ban television coverage of criminal trials.
- Prevent any state from completely barring cameras in the courtroom.
- Prevent any state from requiring the approval of defendants, prosecutors and other trial participants before a case may be televised.
- Provide clear guidelines the Court would accept under which trials may be televised.
- Define what constitutes prejudice to a fair trial in the presence of cameras.
- Prevent a convicted defendant from appealing on the

claim that the presence of television in the courtroom caused an unfair trial.

- Involved any First Amendment rights.

The Development of the Case

Chandler v. Florida came to the Supreme Court as the result of the burglary convictions of Noel Chandler and Robert Granger. Ironically, the pair, both Miami policemen at the time, were captured because of their use of another form of the media. An amateur radio operator picked up a walkie-talkie conversation between Chandler and Granger while they were attempting to rob a restaurant and informed the police. The odd circumstances of their capture, and the fact that they had been policemen, insured media interest in their trial and at the outset the defense requested that television cameras be barred from the courtroom. Florida Canon 3A(7) governs such procedures and does not require the defendant's approval to allow television coverage of criminal trials. The trial judge overruled the defendants' request.

The presence of the electronic media in the courtroom is not an entirely new phenomenon. Radio broadcasting and still photography at criminal trials was not uncommon before the 1930s, but then came the widely publicized and sensational kidnap-murder trial of Brunno Hauptmann that resulted in the formulation of Canon 35 of the Canons of Judicial Ethics of the American Bar Association. The canon, which

was widely followed but carried no enforcement provision in law, banned cameras and microphones from courtroom proceedings under all circumstances. Now known as Canon 3A(7),[7] it was amended in 1952 to include a ban on television cameras as well as still photography and radio and was adopted by all of the federal courts and every state except Colorado and Texas. Estes v. Texas (1966),[8] which will be discussed below, brought the question to a head when the conviction of Billie Sol Estes was overturned by the Supreme Court because of "the insidious influences which [television] puts to work in the administration of justice."[9]

During the 1970s a number of states began experimenting on a limited basis with allowing television cameras into their courtrooms.[10] In 1975 the Post-Newsweek broadcast stations in Florida petitioned the Florida Supreme Court to reconsider Florida's Canon 3A(7) that banned cameras entirely.[11] The court was receptive and announced an experimental program of television coverage of trials dependant upon the consent of all litigants. Obtaining that consent proved too high a hurdle and after going more than a year without finding full consent to televise a single trial, the Florida Supreme Court revised its stance. Broadcasters would be free to cover any Florida appellate or trial proceeding dependant upon only the authorization of the presiding judge of the case in question.[12] Only one week after the revitalized experiment began appeals started to surface. The Florida

Supreme Court rejected a request by a Florida circuit judge that he be allowed to require the consent of all parties involved in a trial. Concurrently, a U.S. District Court judge ruled against an appeal to halt the use of cameras in Dade County courts and soon after, the Florida Attorney General rejected arguments that the Supreme Court's 1966 Estes decision had banned courtroom camera use per se. The experiment ended in July, 1978, and on April 12, 1979, after nine months of evaluating data,[13] the Florida Supreme Court handed down its decision in the Post-Newsweek Petition and unanimously reshaped the policy to be followed by the state's judiciary. The permanently revised Florida Canon 3A(7) would allow coverage of all judicial proceedings subject only to the approval of the presiding judge.

It is important at this point to note that the conduct of a state's judiciary is subject to control and policy setting from within the individual state. The role of the federal government is very limited in this area. Unless a state violates the Federal Constitution, it is free to run its courts as it best sees fit. The Supreme Court has no direct supervisory power over the state courts.[14] In the above mentioned Florida appeals and rulings, each was decided on the understanding that the Florida Supreme Court's Canon 3A(7) statement of policy was binding upon all lower Florida courts. It was possible then for the Florida judiciary to

assume that the Florida Supreme Court had spoken on the issue of cameras in the courtroom making challenges to the court's policy unlikely to be accepted in the courts' view, even groundless and unnecesary.

Despite this background, Chandler and Granger attempted a number of appeals of their convictions, but the Florida Supreme Court refused to hear the case reasoning that any challenge based on Canon 3A(7) was moot. The question of cameras in the courtroom had already been decided during the Post-Newsweek Petition. The final appeal available to the defendants was to the United States Supreme Court where defense argued that television had inherently denied a fair trial and therefore was violative of constitutional rights.

The Legal Argument

Chief Justice Burger formulated narrowly the question the Court would entertain: "The question presented on this appeal is whether, consistent with constitutional guarantees, a state may provide for radio, television, and still photographic coverage of a criminal trial for public broadcast, not withstanding the objection of the accused."[15]

The defense strategy involved two primary arguments. The first tier was constructed around the claim that Estes had announced in 1966 a total ban on the use of television in the courts. Under this interpretation, the defense asked the Court to accept that Estes had found the presence of

television automatically prejudiced a trial and was therefore a violation of the Sixth Amendment right to a fair trial. The second level of defense was to take the offense and attempt to prove that television had subverted the judicial process.

Estes had been the Court's first chance to clear the air on the issue, but in many ways the Court's holding left the problem unsettled. The Court was widely split in its reasoning and Justice Clark's opinion for the Court represented only a five-to-four majority in a holding made up of six opinions, three dissenting and three concurring. The ruling left room for confusion.

Chief Justice Earl Warren called for a complete ban against cameras in Estes stating in a concurring opinion joined by justices Douglas and Goldberg: "The record in this case presents a vivid illustration of the inherent prejudice of televised criminal trials and supports our conclusion that this is the appropriate time to make a definite appraisal of television in the courtroom."[16] But Justice Harlan was not ready to go as far and in supplying the crucial fifth vote that declared cameras prejudicial in Estes, he stated that "the day may come when television may become so commonplace an affair in the daily life of the average person as to dissipate all reasonable likelihood that its use in courtrooms may disparage the judicial process."[17] Justice Stewart's dissent also left the door open

to reconsider the possibility of televising trials: "I would be wary of imposing any per se rule which, in the light of future technology, may serve to stifle or abridge true First Amendment rights."[18] It is important to note that no First Amendment claims were argued in Estes. It was simply a case of narrowly reaching the conclusion that at its technological state in 1965, television presented an inherent danger to the due process rights of the defendant to a fair trial and an impartial jury.

Justice Burger's reading of the fifteen-year-old case led him to conclude that "A careful analysis of Justice Harlan's opinion is...fundamental to an ultimate understanding of the holding of Estes."[19] Justice Burger found that Justice Harlan's opinion had been limited to the case before the Court in 1965 and that it tended to narrow the impact of the Court's opinion. Justice Burger states in Chandler that:

> One is left with a sense of doubt as to precisely how much of Justice Clark's opinion was joined in, and supported by, Justice Harlan.... Nonetheless, it is fair to say that Justice Harlan viewed the holding as limited to the proposition that "what was done in this case infringed the fundamental right to a fair trial assured by the Due Process Clause of the Fourteenth Amendment."[20] With his finding that Estes did not put the issue to

rest, Justice Burger held that "Since we are satisfied that Estes did not announce a constitutional rule that all photographic or broadcast coverage of criminal trials is inherently a denial of due process, we turn to consideration, as a matter of first impression, of the petitioner's suggestion that we now promulgate such a per se rule."[21]

Estes, then, did not provide controlling precedent for the Chandler decision leaving the primary attack of the defense badly mauled and leaving it to the Court to decide whether cameras could or should be banned entirely from criminal trials. The Court explored two avenues of approach to reach its finding: First, how far could the Supreme Court reach in its intervention with state court procedural matters such as Florida's Canon 3A(7); and Second, did the evidence prove that cameras made fair trials inherently impossible? The questions were inseparably related.

Justice Burger turned careful attention to the concept of federalism and it was this notion that in essence controlled the Court's handling of Chandler. As discussed above, once the Court recognized that each state has the right to control its own judicial proceedings, the only question before the Court was whether Florida's Canon 3A(7) in some way violated the Federal Constitution. Justice Burger emphasized that rule in his holding stating, "We are not empowered by the Constitution to oversee or harness

state procedural experimentation; only when the state action infringes fundamental guarantees are we authorized to intervene."[22] In other words, the Court could only find for the defense if their second argument, that broadcasting criminal trials was inherently violative of the Federal Constitution, could be proven. Otherwise the Court had no authority to set policy for Florida's courts no matter what it thought about the merits of television coverage.

Referring to amicus briefs by six other states that were also experimenting with televised trial coverage, Burger stated, "This concept of federalism, echoed by the states favoring Florida's experiment, must guide our decision."[23] Again, it should be noted that Justice Burger's language does not indicate approval of electronic coverage of trials. Indeed, the federal courts continue to ban cameras from their proceedings and the chief justice has opposed any change on the federal level.[24] In his final paragraph of the Chandler opinion, however, Justice Burger stated, "In this setting, because this Court has no supervisory authority over the state courts, our review is confined to whether there is a constitutional violation. We hold that the Constitution does not prohibit states from experimenting with the program authorized by revised Canon 3A(7)."[25]

In order to reach his final conclusion that states were

free to experiment with broadcast coverage of trials, the chief justice had to determine that such experimentation did not specifically violate the constitutional right to a fair trial and that meant determining whether the evidence before the Court was sufficient to prove that the presence of cameras in the courtroom was inherently prejudicial.

Actual evidence presented at Chandler supporting the notion that camera coverage inherently damages a trial was close to nonexistent. Justice Burger announced that, "If it could be demonstrated that the mere presence of photographic and recording equipment and the knowledge that the event would be broadcast invariably and uniformly affected the conduct of participants so as to impair fundamental fairness, our task would be simple; prohibition of broadcast coverage of trials would be required."[26] But no such showing could be made. Apart from amicus briefs presented by various professional bar groups warning of an inherent denial of due process, Justice Burger found in Chandler the record did not reveal "anything more than generalized allegations of prejudice."[27] This should not be taken as a signal that the Court believed such prejudice could not be caused by cameras, or even that Chandler had not been prejudiced by cameras. Indeed, Justice Burger made numerous mentions of amicus briefs objecting to the possibility of psychological damage brought about by the electronic media and concluded, "It is clear that the general issue of

psychological impact of broadcast coverage upon the participants in a trial, particularly on the defendant, is still a subject of sharp debate."[28] But settled or not, the debate had failed to meet the burden of proof necessary to bring about a total ban.

The chief justice pointed out that the defense did not show with sufficient "specificity that the presence of cameras impaired the ability of the jurors to decide the case on only the evidence before them or that their trial was affected adversely by the impact on any of the participants of the presence of cameras and the prospect of broadcast."[29]

So far we have examined the narrowly constructed questions to reach a decision in Chandler v. Florida:

- Can the Supreme Court impose a total ban on cameras in state courtrooms? Only if the presence of cameras violates the Federal Constitution.
- Does the presence of cameras in the courtroom violate the Federal Constitution? Given the evidence available to the Court in Chandler, cameras do not automatically preclude a fair trial.
- Did Chandler and Granger receive a fair trial? Insufficient evidence was presented to the Court to show any prejudice resulted from the presence of cameras in the courtroom.

The information available from Chandler v. Florida

does not end, however, at the point at which their convictions were upheld and a more complete evaluation is now in order.

Analysis of the Case

There is some reason to believe that Chandler has not put an end to the controversy over whether broadcast coverage of trials is inherently prejudicial. It may be more accurate to operate on the assumption that Chandler is in essence a plateau, that is, that Chandler is a temporary resting place for the Court. To date the evidence has been insufficient to ban cameras, but much of the dicta in Chandler suggests that the issue may reappear when more evidence on the effects of television coverage becomes known. Justice Burger's footnote 11 is deserving in this light of careful consideration. Justice Burger states:

> The data now available do not support the proposition that, in every case and in all circumstances, electronic coverage creates a significant adverse effect upon the participants in a trial--at least not one uniquely associated with electronic coverage as opposed to more traditional forms of coverage. Further research may change the picture. At the moment, however, there is no unimpeachable empirical support for the thesis that the presence of the electronic media ipso facto intereferes with the trial proceedings.[30] [emphasis added]

Justice Burger's decision was prefaced upon the data available to the Court "at the moment"--"data subject to sharp debate"--and he adds the caveat that future research findings could change the picture. Justice Burger goes so far as to state: "Whether coverage of a few trials will, in practice, be the equivalent of a 'Yankee Stadium' setting--which Justice Harlan likened to the public pillory long ago abandoned as a barbaric perversion of decent justice--must also wait the continuing experimentation."[31] The possibility of a changed stance by the Court brought about by new data is a theme that Justice Burger returns to frequently in Chandler. Footnote 12 states, "Even the amici supporting Florida's position conceed that further experimentation is necessary to evaluate the potential psychological prejudice associated with broadcast coverage of trials. Further developments and more data are required before this issue can be finally resolved."[32]

The theme is continued with Justice Burger's frequent references to "the experimental status" of electronic coverage of trials and his warning that "The risk of prejudice to particular defendants is ever present and must be examined as cases arise."[33] Even if Justice Burger has refused to ban cameras entirely, he has not blunted the possibility of recurring appeals from defendants claiming specific instances of prejudice in their cases as a result of broadcast coverage. Justice Burger stated that, "The risk of juror

prejudice in some cases does not justify an absolute ban on news coverage of trials by the printed media; so also the risk of such prejudice does not warrant an absolute constitutional ban on all broadcast coverage."[34] This statement should not be taken as a balancing of rights favoring news coverage, for the chief justice concluded that "The appropriate safeguard against such prejudice is the defendant's right to demonstrate that the media's coverage of his case--be it printed or broadcast--compromised the ability of the particular jury that heard the case to adjudicate fairly."[35] The Court has made it clear that there will be no per se ban, but that it still believes enough danger exists to point out the always available remedy of future appeals based on a specific showing that the presence of cameras unduly influenced the outcome of a specific trial.

The natural question that arises from the Court's concerns about the possibility that future research might show that cameras in the courtroom are inherently prejudicial and that future defendants will always be free to appeal on a showing of prejudice is, how does the Court define prejudice in relation to cameras? Unfortunately, the Court did not address this issue. Instead, there were only vague warnings such as Justice Burger's statement that "Any criminal case that generates a great deal of publicity presents some risk that the publicity may compromise the right of the defendant to a fair trial."[36] The closest we

get to a workable definition comes from Justice Burger's holding that "To demonstrate prejudice in a specific case a defendant must show something more than juror awareness that the trial is such as to attract the attention of broadcasters."[37]

There can be no doubt that the chief justice found the possibility of prejudice central to his findings in his statement that "Absent a showing of prejudice of constitutional dimensions to these defendants, there is no reason for this Court either to endorse or to invalidate Florida's experiment."[38] That statement does not answer, however, either what prejudice is or what gives prejudice "constitutional dimensions." The only thing about prejudice we can be sure of from the chief justice's opinion is that the risk lurks. Justice Burger stated that, "Inherent in electronic coverage of a trial is the risk that the very awareness by the accused of the coverage and the contemplated broadcast may adversely affect the conduct of the participants and the fairness of the trial, yet leave no evidence of how the conduct or the trial's fairness was affected."[39] In the end, there are no substantive clues to rely on that indicate what a court would accept as proof that cameras caused sufficient prejudice to create an unfair trial.

This lack of definitional standards might not cause too large a stumbling block had the Court set down procedural

safeguards that if followed by the trial courts would carry the assumption that the defendant had received a fair trial. Again, however, the Court was hazy. Chandler does not provide procedural guidelines for trial courts to follow other than generalized statements such as, "Over the years courts have developed a range of curative devices to prevent publicity about a trial from infecting jury deliberations."[40] The problem here is that such "devices" pertain almost exclusively to the dangers associated with publicity generated either before or during a trial. The central issue of Chandler, however, is not the traditional question of fair trial/free press, but the dangers of the impact on a trial associated with the mere presence of cameras in the courtroom. The specific content of the publicity generated by those cameras is only secondary in this instance.

The chief justice did take note that during voir dire the jurors in Chandler were asked whether the presence of cameras would compromise their ability to consider the case. Justice Burger also pointed out that "It is significant that Florida requires that objections of the accused to coverage be heard and considered on the record by the trial court."[41] A close reading of the opinion, however, leaves no clear set of procedural safeguards applicable to the unique complexities of a courtroom open to broadcast coverage. In the end, Justice Burger's procedural safeguards go no further

in specificity than his admonition that "Trial courts must be especially vigilant to guard against any impairment of the defendant's right to a verdict based solely on the evidence and the relevant law."[42]

While the Court did not provide substantive definitions and guidelines dealing with prejudice caused by the presence of cameras and procedural safeguards for defendants to overcome such difficulties, the Court did make it clear that its decision in no way required states to allow cameras into their courts and that despite the liberalness of Florida's Canon 3A(7), other states are free to require the approval of defendants as well as judges before a case may be televised. Chandler dealt with the right of an individual state to experiment with its own judicial procedures and involved no questions of a First or Sixth Amendment right of access to broadcast criminal trials. The chief justices pointed at the outset of the case to the Florida Supreme Court's Post-Newsweek Petition holding that established the revised Florida Canon 3A(7):

> While we have concluded that the due process clause does not prohibit electronic media coverage of judicial proceedings per se, by the same token we reject the argument...that the First and Sixth Amendments to the United States Constitution mandate entry of the electronic media into judicial proceedings.[43]

Florida Canon 3A(7) was not a First or Sixth Amendment question of media access and Justice Burger held to the same reasoning in his consideration of Chandler.

Conclusions

Chandler v. Florida has focused attention on the issue of broadcast and photographic coverage of criminal trials and it may well serve as precedent to reinforce the long held doctrine that, barring fundamental constitutional abridgements, each state is responsible in a federalist system for the procedural operations of its own courts. Chandler has not, however, come to grips with many of the fundamental issues that go to the heart of broadcasting criminal trials.

It is clear that Chandler was not decided on any First or Sixth Amendment claims of a right of press or public access to the courts. Preliminary excitement over a case that appears to allow cameras into the courtroom must be tempered with the realization that Chandler merely gives each state the option of deciding for itself whether broadcast coverage of trails will be allowed.

Perhaps the greatest problem highlighted by Chandler is that while the Court has given its approval for experimentation, it has done almost nothing to explain under what conditions the televising of trials will offend the Constitution and so the following questions remain unanswered:

- What burden of proof will be necessary in the future to establish a fundamental constitutional violation of due process?
- What constitutes prejudice when cameras are allowed into the courtroom?
- Can a defendant always appeal on grounds of prejudice provided he can introduce new empirical evidence based on cameras in the courtroom studies?
- How will the courts reach a decision if in the future new empirical studies are introduced on both sides of the issue?
- How can a defendant prove to a court's satisfaction that the psychological impact of the presence of cameras prevented him from testifying?[44]

The Court appears to have made its decision in Chandler without strong proof from either side as to the actual impact on a trial that results from the presence of cameras. Given the language of the holding it would appear to be far from moot for communications researchers to place renewed energy into the study of the effects of broadcast coverage on the criminal justice system and specifically on trial participants.

Despite the narrow holding in Chandler it is possible that some will read the case as a mandate to allow broadcasters into the courts. Judges of course will have the immediate

responsibility of insuring that television coverage does not interfere with the constitutional guarantees of a fair trial. It may be up to the broadcaster in the long run, however, to determine whether Chandler will serve as a foot in the door for improved news coverage of trials or a step backward for individual rights in the criminal justice system. Access to the courts for broadcast coverage is still a privilege. The courts have not yet declared it a right. It is ironic that the Chandler case began with only two minutes and fifty-five seconds of camera coverage at the original trial and it is difficult to imagine much benefit to the public from such a short glimpse of a criminal justice proceeding.

The Court's Chandler decision requires that all future camera in the courtroom cases be subject to appeal on a one by one basis. In practical terms, that means that while there is currently no constitutional per se ban on cameras in the courtroom, neither is there broad protection to fight future challenges. The Court's repeated invitations for more empirical proof resulting from experimentation may indicate not only a desire for fairness, but also an uneasiness with its current decision. The narrowness of the ruling indicates little support for any future claims of First Amendment newsgathering rights for broadcasters or photographers. For now it may be that the strongest

precedent that can be set will be set by broadcasters themselves if they do a credible job of accurately reporting to the public the workings of the judiciary.

Footnotes

1. Chandler, et al., v. Florida 101 S.Ct. 802(1981). Cited below as 101 S.Ct. 802.

2. Wermiel, Stephen. Radio, tv, and photographic coverage can be allowed by states, justices rule. Wall Street Journal, January 27, 1981.

3. Reporters Committee for Freedom of the Press. (Quoted in High court decides states can allow televising of trials. New York Times, January 27, 1981, p. A14.)

4. TV cameras in court. Washington Post, January 28, 1981.

5. 101 S.Ct. 802 at 817.

6. The Maryland Senate had yet to vote on the camera ban at the time of submission of this article. If the senate and the Maryland governor give their approval, the ban will take effect June 1, 1981. The sponsor in the House of

Delegates was Del. Steven V. Sklar (D-Baltimore).

7. For a history of broadcast coverage of trials, see: Roberts, Michael L. and William R. Goodman, III. The televised trial: a perspective. Cumberland Law Review, Vol. 7, 1976-7. pp. 323-342; and Zimmerman, Diane L. Overcoming future shock: Estes revisited, or a modest proposal for the constitutional protection of the news-gathering process. Duke Law Journal, Vol. 1980, No. 4. pp. 641-708.

8. Estes v. State of Texas 85 S.Ct. 1628(1965). Cited below as 85 S.Ct. 1628 and 381 U.S. 532.

9. Douglas, Justice William O. (Quoted in Gillmor, Donald M. and Jerome A. Barron. Mass Communication Law. St. Paul: West Publishing Company, 1974. p. 455.

10. Kelso, Randall, and Sonia M. Pawluc. Focus on cameras in the courtroom: the Florida experience, the California experiment, and the pending decision in Chandler v. Florida. Pacific Law Journal, Vol. 12, No. 1, 1980. pp. 1-40.

11. Petition of Post-Newsweek Stations, Florida Fla., 370 So.2d 764 (1975). Cited below as Fla., 370 So.2d 764.

12. The history of cameras in Florida courtrooms is detailed in: Craig, R. Stephen. Cameras in courtrooms in Florida. Journalism Quarterly, Vol. 56, No. 4, Winter 1979. pp. 703-710.

13. For a description of the material examined by the Florida Supreme Court see Fla., 370 So.2d 764 at 767-770.

14. It is not unknown for the Supreme Court to allow procedures in state courts that are not allowed in federal courts. For example, federal courts require twelve person juries, but a state court may use a jury of six. See Williams v. Florida 399 U.S. 78 (1970).

15. 101 S.Ct. 802 at 803.

16. 85 S.Ct. 1628 at 1637.

17. 381 U.S. 532 at 595.

18. 381 U.S. 532 at 604.

19. 101 S.Ct. 802 at 808.

20. 101 S.Ct. 802 at 808, 809.

21. 101 S.Ct. 802 at 809.

22. 101. S.Ct. 802 at 813.

23. 101 S.Ct. 802 at 813.

24. A brief summary of attitudes in the federal courts toward cameras in the courtrooms cao be found in: ABA keeps courtroom TV ban. The News Media and the Law, May/June, 1979. p. 22.

25. 101 S.Ct. 802 at 814.

26. 101 S.Ct. 802 at 810.

27. 101 S.Ct. 802 at 811.

28. 101 S.Ct. 802 at 811.

29. 101 S.Ct. 802 at 813.

30. 101 S.Ct. 802 at 810.

31. 101 S.Ct. 802 at 812, 813.

32. 101 S.Ct. 802 at 812.

33. 101 S.Ct. 802 at 813.

34. 101 S.Ct. 802 at 810.

35. 101 S.Ct. 802 at 810.

36. 101 S.Ct. 802 at 809.

37. 101 S.Ct. 802 at 813.

38. 101 S.Ct. 802 at 813.

39. 101 S.Ct. 802 at 811.

40. 101 S.Ct. 802 at 809.

41. 101 S.Ct. 802 at 811.

42. 101 S.Ct. 802 at 809.

43. Fla., 370 So.2d 764 at 774.

44. See Green v. Florida 5 Med. L. Rptr. 1430 in which the defendant refused to testify at her criminal trial claiming that the presence of cameras in the courtroom caused her psychological harm.